

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

M. WILLIAM POTTS,)
Petitioner,)
v.) Civil Action No. 04-40068-GAO
DAVID L. WINN,)
Respondent.)

)

RESPONDENT'S ASSENT TO PETITIONER'S MOTION FOR LEAVE

The Respondent David L. Winn, through his undersigned counsel, hereby assents to the Petitioner's Motion for Leave. The Respondent further states that no decision has been made regarding whether further appellate review will be sought in response to the First Circuit's decision in the matter of Morris M. Goldings v. David L. Winn and John Ashcroft (No. 03-2633).¹ However, the defendant recognizes that at this time the Goldings decision reflects the law of this Circuit and is dispositive of this case in this Court.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

Dated: September 16, 2004

/s/ Christopher R. Donato
CHRISTOPHER R. DONATO
Assistant U.S. Attorney
John Joseph Moakley Courthouse
One Courthouse Way, Suite 9200
Boston, Massachusetts 02210
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¹The Respondent will submit a hard copy of the Goldings decision along with the courtesy copy of this assent.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served upon Petitioner M. William Potts, Reg. No. 24866-038, Unit 1, FMC Devens Camp, P.O. Box 879, Ayer, MA 01432 by first class, postage prepaid mail on this date.

Dated: September 16, 2004

/s/ Christopher R. Donato

Christopher R. Donato

Assistant U.S. Attorney